

REMARKS

Amendments

Claims 5 and 28 are amended to delete “containing X.” Entry of the amendments is respectfully requested.

Rejection of Claims 5 and 28 under 35 USC 112, second paragraph

Claims 5 and 28 are rejected as allegedly being indefinite under 35 USC 112, second paragraph. This rejection is respectfully traversed.

The rejections assert that the language in claims 5 and 8 that refer to the polyolefin backbone containing X is indefinite. While applicants believe the language is sufficiently clear, the claims are amended above to delete “containing X.” Withdrawal of the rejection is respectfully requested.

Rejection under 35 USC 102(e) in view of Schmitz et al.

Claims 1, 2, 4-18, and 21-27 are rejected as allegedly being anticipated in view of Schmitz et al. (US 6,794,048). This rejection is respectfully traversed.

In the rejection, it is argued that Schmitz et al. (US ‘048) disclose a graft copolymer at column 3, lines 7-37, rather than a mixture. Contrary to the Examiner’s assertion, applicants previously acknowledged that Schmitz et al. (US ‘048) disclosed a graft copolymer. However, this graft copolymer is a component of a mixture. See, e.g., column 3, lines 11-13.

As stated at page 10 of applicants December 6, 2007 Reply, Schmitz et al. (US ‘048) disclose a multilayer composite that comprises a polyamide layer and a polyolefin layer. These layers are joined by a bonding layer which does not consist of a functionalized polyolefin. The composite comprises: (I) a layer I of a polyamide molding composition; (II) a layer II of a bonding agent comprising at least 50% by weight, of a **mixture** of a) from 30 to 70 parts by volume of polyamide, and b) from 70 to 30 parts by volume of polyolefin, the sum of the parts by volume being 100, **wherein at least some of the polyamide is present in the form of a polyamide-polyolefin graft copolymer** or as a highly branched polyamine-polyamide copolymer; and optionally (III) a layer of a polyolefin molding composition. See

column 1, line 40 - column 2, line 2.

At is clearly apparent that the layer (II) of the composite, i.e., the bonding agent layer, comprises at least 50 wt. % of a mixture of polyamide and polyolefin. Reference to this mixture can be found throughout the disclosure. See, e.g., column 3, lines 6-12. This mixture may contain a constituent which is in the form of polyamide-polyolefin graft copolymer, as described at, for example, column 1, lines 63-67 and column 3, lines 7-47. Further, as noted above, Schmitz et al. specifically discloses at column 1, lines 40-43 that the bonding layer does not consist of a functionalized polyolefin.

Thus, layer II of the multilayer structure composite of Schmitz et al. contains a mixture of polyamide and polyolefin polymers, wherein the mixture may further contain polyamide-polyolefin graft copolymer. Layer II is not a polymeric layer wherein the polymer consists of a graft copolymer having polyamide blocks and a polyolefin backbone. Similarly, neither layer I nor layer III of the multilayer structure composite of Schmitz et al. is a polymeric layer wherein the polymer consists of a graft copolymer having polyamide blocks and a polyolefin backbone.

Therefore, Schmitz et al. do not disclose a multilayer structure having a polymeric layer wherein the polymer consists of a graft copolymer having polyamide blocks. Nor is there any disclosure or suggestion that would lead one of ordinary skill in the art to select a polymeric layer wherein the polymer consists of a graft copolymer comprising a polyolefin backbone, at least one polyamide graft, and residues of an unsaturated monomer X which provide the sites of attachment for the at least one polyamide graft to the polyolefin backbone.

To establish anticipation, the rejection must indicate where the asserted anticipatory reference discloses each feature of the rejected claim. See, e.g., *Ex parte Levy*, 17 USPQ2d 1461, 1462 (POBA 1990) [“Moreover, it is incumbent upon the examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference.”]. The present rejection fails to establish anticipation since it fails to indicate where Schmitz et al. disclose a multilayer structure having a layer in accordance with a polymeric layer (2) recited in applicants’ claims.

In view of the above remarks, it is respectfully submitted that the disclosure of

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Schmitz et al. fails to anticipate the claimed invention. Withdrawal of the rejection is respectfully requested.

Rejection under 35 USC 103(a) in view of Schmitz et al.

Claim 3 is again rejected as allegedly being obvious in view of Schmitz et al. (US '048). This rejection is respectfully traversed.

The disclosure of Schmitz et al. is discussed above. The disclosure fails to provide any suggestion that would lead one to a multilayer structure having a polymeric layer wherein the polymer consists of a graft copolymer having polyamide blocks. Nor is there any suggestion that would lead one of ordinary skill in the art to select a polymeric layer wherein the polymer consists of a graft copolymer comprising a polyolefin backbone, at least one polyamide graft, and residues of an unsaturated monomer X which provide the sites of attachment for the at least one polyamide graft to the polyolefin backbone.

In view of the above remarks, it is respectfully submitted that the disclosure of Schmitz et al. fails to render obvious applicants claimed invention. Withdrawal of the rejection is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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